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8 **UNITED STATES DISTRICT COURT**
9 **WESTERN DISTRICT OF WASHINGTON**
10 **AT TACOMA**

11 JUDY SINGLEY, et al.,

12 Plaintiffs,

13 v.

14 AACRES/ALL VEST LLC, et al.,

15 Defendants.

NO. C09-5443 FDB

JOINT STATUS REPORT

16 Pursuant to the Court's Minute Order dated September 22, 2009 (Dkt. #3), the parties, by
17 and through their attorneys of record, hereby submit the following Joint Status Report:

18 **1. Statement Regarding Jurisdiction of this Court:**

- 19 a. Plaintiff alleges violations of the Americans with Disabilities Act, 42 U.S.C.
20 §§1231-32; Violations of Rehabilitation Act of 1973, 29 U.S.C. §794; Violations
21 of the Medicaid Act, 42 U.S.C. §1396; Violations of Civil Rights under 42 U.S.C.
22 §1983, as well as related state law claims. This matter was initially filed in the
23 Washington State Court System (Pierce County Superior Court) on April 16,
24 2009. Pursuant to 28 U.S.C. §1441(b), Defendants removed this case to federal
25 court on July 21, 2009. This Court also has supplemental jurisdiction over the
26 related state law claims pursuant to 28 U.S.C. § 1367.

b. Defendant Aacres Allvest, LLC, is a limited liability corporation incorporated in the state of Washington, with its principal place of business in Pierce County, Washington.

2. Statement Regarding Jurisdiction: Venue in the Western District is appropriate as the alleged violation of Plaintiffs' constitutional rights under 42 U.S.C. § 1983 and the other acts alleged in the Complaint occurred in Pierce County, Washington. Moreover, Defendant Aacres Allvest, LLC, had its primary place of business in Pierce County, Washington, and Defendant State of Washington, Department of Social and Health Services, is headquartered in Thurston County, Washington.

3. Statement Regarding the Nature and Complexity of the Case: Plaintiffs seek monetary damages in the form of compensatory damages, punitive damages, and an award of attorneys' fees and costs pursuant to 42 U.S.C. §1983. Plaintiffs also seek declaratory and injunctive relief. Defendants deny liability with respect to all claims and deny the nature and extent of Plaintiffs' injuries and/or damages, if any. This is not a complex case.

4. Status of the Case: The parties held a Fed. R. Civ. P. 26(f) conference on October 26, 2009. The parties discussed the joint status report and discovery plan contained herein. The parties agreed that the deadline to file a motion to join additional parties will be November 30, 2009. The parties also discussed the need for additional time to complete their Initial Disclosures; the parties thus agreed to exchange Initial Disclosures by no later than Friday, December 11, 2009.

5. Special Master: At this time, the parties do not request referral of any portion of this case to a Special Master pursuant to Fed. R. Civ. P. 53.

6. Mediation: The parties agree that a Rule 39.1 mediation should occur no later than 60 days prior to trial.

1 **7. Magistrate Judge Assignment:** The parties do not consent to assignment of this case to
2 a full-time United States Magistrate Judge.

3 **8. Date Ready for Trial:** The parties request a trial date no earlier than October 18, 2010.

4 **9. Jury or Non-Jury:** The parties request that all issues of fact be determined by a jury.

5 **10. Total Number of Trial Days:** The parties believe that this case will take eight (8) full
6 trial days.

7 **11. Contact Information for Counsel:**

8 a. Counsel for Plaintiff Judy Singley, individually and as Guardian for Dana
9 Singley:

10 Darrell L. Cochran & David L. Sanders
11 Pfau Cochran Vertetis Kosnoff, PLLC
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14 (253)777-0799

15 b. Counsel for Defendant State of Washington, Department of Social and Health
16 Services:

17 Peter Helmberger, Assistant Attorney General
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21 (253)593-5243

22 Ian M. Bauer, Assistant Attorney General
23 7141 Cleanwater Drive SW
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25 Olympia, WA 98504-0126
26 (360) 586-6300

 c. Counsel for Defendant Aacres Allvest, Inc.:

 Dennis J. La Porte, Esq.
 Krilich, La Porte, West & Lockner, P.S.
 524 Tacoma Ave. South
 Tacoma, WA 98402
 Phone: (253)383-4704

12. Trial Conflicts: Plaintiff's counsel is unavailable for trial October 6-10, 2010, October 26-28, 2010, November 1-5, 2010, November 15-19, 2010, November 29, 2010-December 7, 2010.

Counsel for Defendants State of Washington, Department of Social and Health Services, are unavailable for trial October 4-17, 2010, November 1-2, 2010, and December 13-31, 2010.

Counsel for Defendant Aacres Allvest, LLC is unavailable for trial before September 30, 2009.

13. Suggestions for Shortening Time or Simplifying Case: None of the parties believe that any additional orders or suggestions are necessary with respect to shortening time or simplifying the case.

14. Bifurcation: The parties agree that bifurcation is unnecessary in this case.

DATED this 18th day of November, 2009.

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Attorney General

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LOCKNER, P.S.

/s/ Ian M. Bauer
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Attorneys for Plaintiff Judy Singley,
individually and as Guardian for Dana
Singley

CERTIFICATE OF SERVICE

I hereby certify that on November 18, 2009, I caused to be electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system.

ROBERT M. MCKENNA
Attorney General

/s/ *Ian M. Bauer*

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